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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,964	02/14/2001	Julian Orbanes	GPH-003G	9243

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EXAMINER	
TRAN, MYLINH T	

ART UNIT	PAPER NUMBER
2174	9

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/782,964	Applicant(s) ORBANES ET AL.	
	Examiner Mylinh T Tran	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 February 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Line 7, "other like" should be avoided.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-5 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 09/782,966. Although the conflicting claims are not identical, they are not patentably distinct from each other because it is apparent that the elimination of an element, eliminates the functions of those elements. It is well settled, however, that omission of an element and its function in a combination is an obvious expedient if the remaining elements perform the same functions as before. See In re Karlson, 136 USPQ 184 (CCPA 1963). Furthermore, these claims are rejected since it was obvious to one of ordinary skill in the art to omit an element when its function was not desired; the subject matter is not patentable in absence of showing of unexpected result flowing from such omission. See In re Wilson, 155 USPQ 740 (CCPA 1967). In addition, omission of an element and its function where not needed is obvious. See Ex parte Rainu, 168 USPQ 375 (PTO Board of Appeal 1969).

Claims 1-5 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 09/783,715. Although the conflicting claims are not identical, they are not patentably distinct from each other because it is apparent that the elimination of an element, eliminates the functions of those elements. It is well settled, however, that omission of an

element and its function in a combination is an obvious expedient if the remaining elements perform the same functions as before. See In re Karlson, 136 USPQ 184 (CCPA 1963).

Claims 1-5 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of copending Application No. 09/782,967. Although the conflicting claims are not identical, they are not patentably distinct from each other because it is apparent that the elimination of an element, eliminates the functions of those elements. It is well settled, however, that omission of an element and its function in a combination is an obvious expedient if the remaining elements perform the same functions as before. See In re Karlson, 136 USPQ 184 (CCPA 1963).

Claims 6-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 09/782,939. Although the conflicting claims are not identical, they are not patentably distinct from each other because it is apparent that the elimination of an element, eliminates the functions of those elements. It is well settled, however, that omission of an element and its function in a combination is an obvious expedient if the

remaining elements perform the same functions as before. See In re Karlson, 136 USPQ 184 (CCPA 1963).

Claims 6-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5-12 and 15-20 of copending Application No. 09/782,967. Although the conflicting claims are not identical, they are not patentably distinct from each other because it is apparent that the elimination of an element, eliminates the functions of those elements. It is well settled, however, that omission of an element and its function in a combination is an obvious expedient if the remaining elements perform the same functions as before. See In re Karlson, 136 USPQ 184 (CCPA 1963).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Strasnick et al.[US. 5,671,381].

As to claims 1, 6 and 16, Strasnick et al. discloses employing a plurality of data objects contained within a data source (column 6, lines 42-55);

employing a spatial paradigm for defining hierarchical relationships between said data objects (column 2, lines 20-30 and column 6, lines 17-25); generating a plurality of display screens, each containing a virtual representation of one or more of said data objects arranged, at least in part, in dependence on said spatial paradigm and enabling said user to navigate said display screens in a substantially unrestricted fashion. (figure 2B, column 8, lines 35-45 and column 11, lines 20-38); and displaying, from an adjustable viewing perspective of a user, a first display screen corresponding to a current virtual location of said user (column 4, lines 53-65).

As to claims 2 and 17, Strasnick et al. also discloses the step of generating a plurality of display screens further comprises optimizing said appearance of each of said display screens for a rectangular display of a client (figure 2B, boxes 280, 285 and 290 are rectangular shapes).

As to claims 3 and 18, Strasnick et al. shows defining within a first of said screens a travel region, said travel region corresponding to a second of said display screens according to said hierarchical relationship, and displaying said second one of said display screens to said user in response to said user selecting said travel region (column 20, line 42 through column 21, line 44).

As to claims 4, 5, 19 and 20, Strasnick et al. shows employing vector graphics and raster graphics in defining said virtual representation (column 10, lines 42-68).

As to claim 7, Strasnick et al. also shows changing said virtual location to a second user location in response to said user (column 8, lines 1-10).

As to claim 8, Strasnick et al. provides displaying a second display screen corresponding to said second location (column 11, lines 20-38).

As to claim 9, Strasnick et al. demonstrates transitioning from said first display screen to said second display screen in a substantially continuous manner (column 8, lines 35-45 and column 11, lines 20-38).

As to claims 10 and 13, Strasnick et al. also demonstrates expanding and contracting said first display screen, and displaying, during said expansion and contracting of said first display screen, said second display screen (column 11, lines 7-68).

As to claims 11 and 14, Strasnick et al. discloses the step of expanding comprises scaling said first display screen over time (column 7, lines 1-34).

As to claims 12 and 15, Strasnick et al. also discloses the step of scaling comprises at least one of linearly, sinusoidally and exponentially scaling said first display screen (column 11, lines 1-65).

Conclusion

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238), may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-4395 for Non-Official or

draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Kristine Kincaid, can be reached on (703) 308-0640,

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

Art Unit 2174

Kristine Kincaid

KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
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